

**THE GAZETTE OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

Part II of March 29, 2018

SUPPLEMENT

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COMMISSIONS OF INQUIRY (AMENDMENT)

A

BILL

to amend the Commissions of Inquiry Act (Chapter 393)

Ordered to be published by His Excellency the President

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STATEMENT OF LEGAL EFFECT

Clause 2: This clause inserts new sections 24A, 24B, 24C, 24D, and 24E to the Commissions of Inquiry Act (Chapter 393) (hereinafter referred to as the “principal enactment”) and the legal effect of the sections as inserted is to provide for the Commission to Investigate Allegations of Bribery or Corruption to consider material collected in the course of an investigation or an inquiry by a Commission of Inquiry and direct the Director General for the Prevention of Bribery or Corruption to institute Criminal Proceedings.

Clause 3: This clause amends section 27 of the principal enactment and the legal effect of that section as amended is to insert definitions for the expressions “Bribery Act”, “Commission to Investigate Allegations of Bribery or Corruption”, “Declaration of Assets and Liabilities Law”, “Director General”, “law enforcement authority”, “Penal Code” and “Prevention of Money Laundering Act”.

Commissions of Inquiry (Amendment)

L.D.—O. 1/2018.

AN ACT TO AMEND THE COMMISSIONS OF INQUIRY ACT
(CHAPTER 393)

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

1. This Act may be cited as the Commissions of Inquiry (Amendment) Act, No. of 2018. Short title.

5 2. The Commissions of Inquiry Act (Chapter 393) is hereby amended by the insertion immediately after section 24, of the following new sections and the new sections shall have effect as sections 24A, 24B, 24C, 24D and 24E of that enactment:- Insertion of new sections 24A, 24B, 24C, 24D, and 24E to Chapter 393.

10 “Commission to Investigate Allegations of Bribery or Corruption to institute Criminal proceedings. 24A. (1) Notwithstanding anything to the contrary in the Commission to Investigate Allegations of Bribery or Corruption Act or any other written law, where the Commission to Investigate Allegations of Bribery or Corruption, on a consideration of material collected in the course of an investigation or inquiry or both an investigation and inquiry as the case may be by a Commission of Inquiry appointed under section 2, is satisfied that an offence under the following laws has been committed, it may direct the Director General to institute criminal proceedings in terms of the-

(a) Bribery Act;

25 (b) Declaration of Assets and Liabilities Law;

2 *Commissions of Inquiry (Amendment)*

5 (c) Prevention of Money Laundering Act when the unlawful activity within the meaning of that Act is bribery or corruption in terms of the Bribery Act; or

10 (d) Penal Code where any offence under the Penal Code has been committed in the same transaction along with an offence in terms of the Bribery Act or the Declaration of Assets and Liabilities Law, with the concurrence of the Attorney-General.

15 (2) The Commission to Investigate Allegations of Bribery or Corruption may prior to the institution of proceedings under subsection (1)-

 (a) conduct further investigations into the Commission of any offence;

20 (b) consider material that may have been collected in the course of an investigation conducted by the Commission to Investigate Allegations of Bribery or Corruption prior to the receipt of the material referred to in subsection (1); and

25 (c) consider material the Commission to Investigate Allegations of Bribery or Corruption may have received from any other law enforcement authority.

- 5 Commission to Investigate Allegations of Bribery or Corruption to forward material collected and received to the relevant authority.
- 10 24B. Notwithstanding anything to the contrary in the Commission to Investigate Allegations of Bribery or Corruption Act or any other written law, the Commission to Investigate Allegations of Bribery or Corruption may, if it deems appropriate, forward the material collected and received under section 24A to the Attorney-General or to any other authority to take any appropriate action under any other written law.
- 15 Commission to Investigate Allegations of Bribery or Corruption not to record statements or evidence given.
- 20 24C. The Commission to Investigate Allegation of Bribery or Corruption shall not be required, unless it deems appropriate to, record a statement of a person who has given a statement to a Commission of Inquiry appointed under section 2 or has given evidence before such Commission.
- 20 Commission to Investigate Allegations of Bribery or Corruption to seek advice or opinion of the Attorney-General.
- 25 24D. The Commission to Investigate Allegations of Bribery or Corruption may solicit, receive and consider the advice or opinion of the Attorney-General or any officer representing the Attorney-General in giving effect to the provisions of sections 24A, 24B, or 24C.
- 30 25 Not to restrict the powers and functions of the Commission to Investigate Allegations of Bribery or Corruption by the provisions of this Act.
- 30 24E. The provisions of this Act shall not restrict the powers and functions of the Commission to Investigate Allegations of Bribery or Corruption conferred on it by the Commission to Investigate Allegations of Bribery or Corruption Act or any other written law.”.

4 *Commissions of Inquiry (Amendment)*

3. The following new section is hereby inserted immediately after section 26, and shall have effect as section 27 of the principal enactment:-

Insertion of new section 27 in the principal enactment.

5 “Interpretation. 27. In this Act unless the context otherwise requires-

 “Bribery Act” means the Bribery Act (Chapter 26);

10 “Commission to Investigate Allegations of Bribery or Corruption Act” means the Commission to Investigate Allegations of Bribery or Corruption Act, No. 19 of 1994;

15 “Commission to Investigate Allegations of Bribery or Corruption” means the Commission established by section 2 of the Commission to Investigate Allegations of Bribery of Corruption Act;

20 “Declaration of Assets and Liabilities Law” means the Declaration of Assets and Liabilities Law, No. 1 of 1975;

25 “Director General” means the Director General for the Prevention of Bribery and Corruption appointed under section 16 of the Commission to Investigate Allegations of Bribery or Corruption Act;

30 “law enforcement authority” means a police officer or any other person or authority that is authorized by or under any written law to investigate into the commission of an offence;

“Penal Code” means the Penal Code
(Chapter 19); and

5 “Prevention of Money Laundering Act”
means the Prevention of Money
Laundering Act, No. 5 of 2006.”

4. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency.

